



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.

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March 4, 2011

To: Senator Steve Cassano, Co-Chairman
Representative Linda M. Gentile, Co-Chairman
Members of the Planning and Development Committee

From: Bill Ethier, Chief Executive Officer

Re: House Bill 5471, An Act Requiring Zoning Regulations to Consider the
Preservation of Farm Land, Forest Land and Open Space

The HBA of Connecticut is a professional trade association with 1,100 member firms statewide, employing tens of thousands of Connecticut citizens. Our members, all small businesses, are residential and commercial builders, land developers, home improvement contractors, trade contractors, suppliers and those businesses and professionals that provide services to our diverse industry. Our members build 70% to 80% of all new homes and apartments in the state each year.

As with HB 5470, we question the need for this legislation and, further, believe it would diminish the property rights of people holding farm land, forest land and open spaces.

HB 5470 requires that zoning regulations be amended to be consistent with section 12-107a of the general statutes. Sec. 12-107a through 12-107e are the special tax classifications for farm land, forest land and open space. Therefore, in order to "be consistent" with these special tax classifications, HB 5470 seems to require all such lands be zoned for these "uses."

As with sec. 8-23 on local plans of conservation and development, our zoning enabling act, sec. 8-2 already provides ample authority for zoning commissions to consider these areas. Zoning regulations "shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses Zoning regulations shall be made with reasonable considerations for their impact on agriculture...." Other provisions require consideration of the local POCD, which contain numerous elements for protecting farm land, forest land and open spaces.

HB 5471 not only would lower the viability of using private property for other uses but also confuses special tax treatment of farmland, forest land and open spaces with the authorized use of land. Many of these special tax classification lands are zoned for residential, commercial or industrial uses. The special tax treatment is applicable only for as long as such lands are maintained in a state that meets the special tax definition of farmland, forest land or open space. It's an incentive and a benefit to landowners for keeping land in these conditions. But these lands can be developed, and when they are the special tax treatment is extinguished.

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HB 5471 goes much further than the tax incentive in that it would extinguish the right to develop these properties by changing the zoning. It essentially locks a landowner into the special tax treatment of 12-107a to 12-107e. HB 5471, therefore, creates a perverse incentive for a landowner to not pursue, or to give up, the special tax treatment for these lands in order to avoid the adverse zoning change that will result and, thereby, preserve your development rights.

We urge you to not pursue this mandate on municipalities as it is unnecessary given the broad current zoning enabling authority and will have an adverse result on our economy and wealth by diminishing property rights and the value of property.

Thank you for the opportunity to comment on this legislation.